

### SUPPORT FOR AMENDMENTS

The claims have been amended for clarity. Support can be found in the claims as originally filed. Additional support for the amendments to Claim 1 can be found in original Claim 11, original Claim 14, and in the specification at page 8, line 14. Additional support for the amendments to Claim 3 can be found in original Claim 11, original Claim 14, and in the specification at page 8, line 14.

No new matter has been added.

### REMARKS/ARGUMENTS

The rejection of Claims 2 and 13 under 35 U.S.C. § 112, 2<sup>nd</sup>, is obviated by amendment to the claims. Accordingly, the rejection should be withdrawn.

The rejection of Claims 1–14 under provisional obviousness-type double patenting over Claims 1–12 of copending application no. 12/065,909 is respectfully traversed. MPEP § 804 I(B)(1.) states, in part (emphasis added):

If a “provisional” nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.

Applicants respectfully remind the Examiner that the present application entered the National Stage on January 10, 2007; is a 371 of PCT/EP05/000669, filed January 20, 2005; and claims priority to Italian Application No. MI 2004 A 000175, filed February 5, 2004. Copending application no. 12/065,909 entered the National Stage on March 6, 2008; is a 371 of PCT/EP06/008523, filed August 31, 2006; and claims priority to Italian Application No. MI 2005 A 001647, filed September 7, 2005. Thus, the present application (10/588,215) is the earlier filed application. Copending application 12/065,909 has yet to receive an action on

the merits. In view of the above, the Examiner is respectfully requested to withdraw the rejection of the present claims.

Applicants submit that the present application is in condition for allowance. Early notification thereof is requested.

Respectfully submitted,

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